

Atty. Dkt. No. 071949-1314

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler

Title: DIAGNOSTIC DEVICES AND
APPARATUS FOR THE
CONTROLLED MOVEMENT OF
REAGENTS WITHOUT
MEMBRANES

Appl. No.: 09/805,653

Filing Date: 03/13/2001

Examiner: Lyle Alexander

Art Unit: 1641

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Michelle Sympson</u> (Printed Name) <u>Michelle Sympson</u> (Signature) <u>January 5, 2004</u> (Date of Deposit)

TERMINAL DISCLAIMER FOR U.S. PATENT NO. 6,143,576

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, Biosite, Inc., having its principal place of business at 11030 Roselle Street, Suite D, San Diego, CA 92121 (hereinafter represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/805,653, filed 03/13/2001, by virtue of an Assignment filed and recorded on 06/04/2003, on Reel/Frame 013705/0660, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,143,576, which issued on U.S. Patent Application No. 08/810,569, filed 03/03/1997.

Your Petitioner, Biosite, Inc., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,143,576, and hereby

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agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,143,576 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,143,576 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,143,576 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,143,576 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,143,576, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,143,576 rests with Petitioner, Biosite, Inc. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful

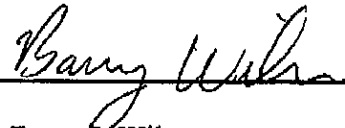
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false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date January 5, 2004

By



FOLEY & LARDNER

Customer Number: 30542

Telephone: (858) 847-6722

Facsimile: (858) 792-6773

Barry S. Wilson

Attorney for Applicant

Registration No. 39,431



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 05, 2003

PTAS

FOLEY & LARDNER
MICHAEL A. WHITTAKER
P.O. BOX 80278
SAN DIEGO, CA 92138

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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/04/2003

REEL/FRAME: 013705/0660

NUMBER OF PAGES: 3

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BIOSITE DIAGNOSTICS, INC.

DOC DATE: 06/20/2001

ASSIGNEE:

BIOSITE, INC.
11030 ROSELLE STREET
SUITE D
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09613650
PATENT NUMBER:

FILING DATE: 07/11/2000 135
ISSUE DATE:

SERIAL NUMBER: 07887526
PATENT NUMBER: 5458852

FILING DATE: 05/21/1992 1301
ISSUE DATE: 10/17/1995

SERIAL NUMBER: 08447895
PATENT NUMBER: 6019944

FILING DATE: 05/23/1995 1202
ISSUE DATE: 02/01/2000

SERIAL NUMBER: 08447981
PATENT NUMBER: 5885527

FILING DATE: 05/23/1995 1203
ISSUE DATE: 03/23/1999

APPENDIX A

013705/0660 PAGE 2

SERIAL NUMBER: 08828041
PATENT NUMBER: 6156270FILING DATE: 03/27/1997
ISSUE DATE: 12/05/2000SERIAL NUMBER: 08902775
PATENT NUMBER: 6271040FILING DATE: 07/30/1997
ISSUE DATE: 08/07/2001SERIAL NUMBER: 08810569
PATENT NUMBER: 6143576FILING DATE: 03/03/1997
ISSUE DATE: 11/07/2000JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1596 (modified) Patent and Trademark Office		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	
RECORDATION FORM COVER SHEET PATENTS ONLY			
To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.			
1. Name of conveying party(ies): Biosite Diagnostics, Inc.		2. Name and address of receiving party(ies): Biosite, Inc. 11030 Roselle Street Suite D San Diego, CA 92121	
Additional conveying party(ies): NO			
3. Nature of conveyance: CHANGE OF NAME Execution Date: June 30, 2001		Additional name(s) & address(es) attached? NO	
4. Application number(s) or patent number(s): If this is being filed together with a new application, the execution date of the application is: A. Patent Application Number(s): 09/613,650 B. Patent Number(s): 5,458,852; 6,019,944; 5,885,527; 6,156,270; 6,271,040; 6,143,576 Additional numbers attached? YES			
5. Name and address of party to whom correspondence concerning document should be mailed: Michael A. Whittaker FOLEY & LARDNER P.O. Box 80278 San Diego, CA 92138-0278		6. Total number of applications/patents involved: 7 7. Total fee (37 C.F.R. § 3.41): \$280.00 Check Enclosed X Charge to deposit account 8. Deposit account number: 50-0872	
DO NOT USE THIS SPACE			
9. Statement and signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.</i>			
Michael A. Whittaker		June 3, 2003	
Name of person signing		Signature	
		Date	
Total number of pages including cover sheet, attachments, and document: 8			

023.235589.1

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BIOSITE DIAGNOSTICS INCORPORATED", CHANGING ITS NAME FROM "BIOSITE DIAGNOSTICS INCORPORATED" TO "BIOSITE INCORPORATED", FILED IN THIS OFFICE ON THE TWENTIETH DAY OF JUNE, A.D. 2001, AT 6 O'CLOCK P.M.



2156383 8100

Q20186348

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1686367

DATE: 03-25-02

STATE OF DELAWARE 15:48 FR PW SF
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 06:00 PM 06/20/2001
010298257 - 2156383

415 983 1288 TO 913025748348 P. 83/23

CERTIFICATE OF AMENDMENT TO THE
RESTATED CERTIFICATE OF INCORPORATION
OF
BIOSITE DIAGNOSTICS INCORPORATED

Biosite Diagnostics Incorporated, a corporation organized and existing under the laws of the State of Delaware, hereby certifies as follows:

FIRST: The name of the corporation is Biosite Diagnostics Incorporated and shall hereby be changed to Biosite Incorporated.

SECOND: The date of filing of its original Certificate of Incorporation with the Secretary of State of Delaware was March 30, 1988.

THIRD: At a meeting of the Board of Directors of Biosite Diagnostics Incorporated, resolutions were duly adopted providing that it was advisable and in the best interests of the corporation that Article I of the Restated Certificate of Incorporation of Biosite Diagnostics Incorporated, shall be amended to read in its entirety as follows:

"ARTICLE I

The name of this Corporation is Biosite Incorporated."

FOURTH: This Certificate of Amendment To the Restated Certificate of Incorporation was duly adopted at the annual meeting of the stockholders, which was duly called and held, upon notice in accordance with Section 222 of the General Corporation Law of the State of Delaware, by at least a majority of the holders of outstanding stock in accordance with section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS THEREOF, Biosite Diagnostic Incorporated has caused this certificate to be signed by the undersigned officer, thereunto duly authorized, this 20 day of June, 2001.

BIOSITE DIAGNOSTICS INCORPORATED



Kim D. Blickenstaff
President and Chief Executive Officer

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*** TOTAL PAGE 83 ***